

REMARKS

At the time of the Office Action dated December 2, 2004, claims 1-12 were pending and rejected in this application. Claims 8-12 have been amended, claims 1-7 have been cancelled, and claims 13-16 have been added. Applicant submits that the present Amendment does not generate any new matter issue.

**CLAIMS 1, 3-4, 8-9, AND 11-12 ARE REJECTED UNDER 35 U.S.C. § 102 AS BEING
ANTICIPATED BY GUY ET AL., U.S. PATENT NO. 5,833,468 (HEREINAFTER GUY)**

On pages 2-4 of the Office Action, the Examiner asserted that Guy discloses a system for receiving feedback to programming corresponding to that claimed. This rejection is respectfully traversed.

Initially, Applicant notes that independent claims 8 and 12 have been amended to clarify that the programming is broadcast over a first communication medium, and the response device transmits the user input over a second communication medium that is different than the first communication medium. Also, the programming is received by the user using a device different than the at least one response device. As discussed in Applicant's specification, by transmitting user data using a different device than the device used to receive programming, the need for a specialized piece of equipment (e.g., a personal computer) can be avoided. Instead, the programming may be received by a standard receiver, such as a television, and the response device can be simplified so as to only transmit user data. In contrast, Guy teaches that the same device (i.e., Multimedia PC 106) is used to be receive the programming and to transmit the user input. In so doing, the cost to implement the system is greater since the response device contemplated by the present invention is less complicated than the multimedia PC of Guy.

Applicant also notes that independent claim 16 recites that the second communication medium is telephony and the user input is transmitted to different phone numbers based upon the user input. This feature is also not disclosed by Guy. Applicant, therefore, respectfully submits that the imposed rejection of claims 8-9 and 11-12 under 35 U.S.C. § 102 for anticipation based upon Guy is not factually viable and, hence, solicit withdrawal thereof.

CLAIMS 2, 5-6, AND 10 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON GUY IN VIEW OF LAFLEUR, U.S. PATENT NO. 6,708,214

On pages 5 and 6 of the Office Action, the Examiner concluded that one having ordinary skill in the art would have been motivated to modify Guy in view of LaFleur to arrive at the claimed invention. This rejection is respectfully traversed.

Claim 10 depends ultimately from independent claim 8, and Applicant incorporates herein the arguments previously advanced in traversing the imposed rejection of claim 8 under 35 U.S.C. § 102 for anticipation based upon Guy. Specifically, Guy neither discloses nor suggests that the programming is received by the user using a device different than the at least one response device. The secondary reference to LaFleur also does not disclose this concept since LaFleur teaches using the same device (i.e., mobile phone 100) to both receive and send data. Accordingly, the proposed combination of references would not yield the claimed invention. Applicant, therefore, respectfully submits that the imposed rejection of claim 10 under 35 U.S.C. § 103 for obviousness based upon Guy in view of LaFleur is not viable and, hence, solicits withdrawal thereof.

**CLAIM 7 IS REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON GUY IN
VIEW OF YOSHINOBU ET AL., U.S. PATENT NO. 5,721,584**

Claim 7 has been cancelled, and thus, this rejection is moot.

Applicant has made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicant hereby respectfully requests reconsideration and prompt allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417, and please credit any excess fees to such deposit account.

Respectfully submitted,

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